

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:

Innovation in the Broadcast Television Bands:
Allocations, Channel Sharing and
Improvements to VHF

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ET Docket No. 10-235

**REPLY COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Reply Comments in response to the Commission’s Notice of Proposed Rulemaking (NPRM) released November 30, 2010 in the above-captioned proceeding. In the NPRM, the Commission seeks comment on repurposing a portion of the television broadcast spectrum for fixed and mobile wireless services, including mobile broadband. In these reply comments, NPSTC addresses the need to protect public safety’s use within TV channels 14-20 as provisions for repurposing the TV spectrum unfolds. NPSTC opposes the Commission’s proposal to expand the existing land mobile allocation at 470-512 MHz to a more generalized “flexible” mobile allocation.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public

safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators and the Utilities Telecom Council.

NPSTC Reply Comments

In proposing to repurpose the TV broadcast spectrum for fixed and mobile use, including mobile broadband service, the NPRM focuses primarily on the issues surrounding television service, while recognizing that public safety and land mobile operations share spectrum with television in the 470-512 MHz band in certain markets. The NPRM proposes three main actions in connection with the proposed repurposing of television spectrum: 1) adding new allocations for fixed and mobile services in the UHF and VHF television bands; 2) permitting two or more television stations to share a 6 MHz channel; and 3) increasing the value of the VHF TV band for television services.

As pointed out by a number of commenters to this proceeding, spectrum in the 470-512 MHz band is essential to public safety and other land mobile operations.¹ The Commission's proposal recognizes the use of spectrum in 470-512 MHz band (television channels 14-20) by public safety, but gives short-shrift to any recognition of the impact of the proposal to these operations. Alarming, the NPRM states:

This proposal would also expand the existing land mobile allocation in the areas where PLMRS and CMRS systems operate on specified frequencies in the 470-512 MHz band to be the same more generalized and flexible mobile allocation that would be specified for other frequencies in the U/V Bands.²

In other words, the spectrum now administered under Part 90 of the rules for public safety and critical business operations would be opened up to a free for all "flexible use" potentially mixing all types of users and uses onto the spectrum. Yet, absolutely no time is spent in the NPRM addressing the impact this proposal would impose on public safety and land mobile users who rely on systems in

¹ See comments submitted by the Land Mobile Communications Council, the Los Angeles County Sheriff and the Los Angeles Regional Interoperable Communications System (LA-RICS).

² NPRM at paragraph 16.

the 470-512 MHz band in eleven major market areas of the country for critical communications. There is no mention of the significant increase in interference this could cause. There is no reference to the increased risk of security breaches that could occur with a “flexible” mix of users trampling throughout the spectrum.

The NPRM notes that FIXED and MOBILE allocation designations would be added on a co-primary basis to the television broadcast spectrum in the table of allocations under §2.106 of the Commission’s rules. NPSTC supports that change. However, a very careful reading of the proposed changes to the table of allocations in the Appendix A of the NPRM also reveals a modification not highlighted with any specificity in the main body of the NPRM that NPSTC strongly opposes. In its proposed rules, the Commission has eliminated the existing references to land mobile-TV sharing from the table of allocations in the section relating to the 470-512 MHz band segment. The proposed table of allocations eliminates footnote NG66 currently applied to the 470-512 MHz spectrum band segment. Review of the footnotes in Part 2.106 of the Commission’s current rules indicates footnote NG66 proposed to be eliminated says the following:

NG66 The band 470–512 MHz (TV channels 14–20) is allocated to the broadcasting service on an exclusive basis throughout the United States and its insular areas, except as described below:

(a) In the urbanized areas listed in the table below, the indicated frequency bands are allocated to the land mobile service on an exclusive basis for assignment to eligibles in the Public Mobile Services, the Public Safety Radio Pool, and the Industrial/Business Radio Pool, except that:

(1) Licensees in the land mobile service that are regulated as Commercial Mobile Radio Service (CMRS) providers may also use their assigned spectrum to provide fixed service on a primary basis.

(2) The use of the band 482–488 MHz (TV channel 16) is limited to eligibles in the Public Safety Radio Pool in or near (i) the Los Angeles urbanized area; and (ii) New York City; Nassau, Suffolk, and Westchester Counties in New York State; and Bergen County, NJ.

Urbanized area	Bands(MHz)	TV channels
Boston, MA	470–476, 482–488	14, 16
Chicago, IL-North-western IN.	470–476, 476–482	14, 15

Cleveland, OH	470–476, 476–482	14, 15
Dallas-Fort Worth, TX.	482–488	16
Detroit, MI	476–482, 482–488	15, 16
Houston, TX	488–494	17
Los Angeles, CA ...	470–476, 482–488, 506–512	14, 16, 20
Miami, FL	470–476	14
New York, NY	470–476, 476–482,	
Northeastern NJ.	482–488	14, 15, 16
Philadelphia, PA-NJ.	500–506, 506–512	19, 20
Pittsburgh, PA	470–476, 494–500	14, 18
San Francisco- Oakland, CA.	482–488, 488–494	16, 17
Washington, DC MD-VA.	488–494, 494–500	17, 18

(b) In the Gulf of Mexico offshore from the Louisiana-Texas coast, the band 476–494 MHz (TV channels 15–17) is allocated to the fixed and mobile services on a primary basis for assignment to eligibles in the Public Mobile and Private Land Mobile Radio Services.

(c) In Hawaii, the band 488–494 MHz (TV channel 17) is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

(d) The use of these allocations is further subject to the conditions set forth in 47 CFR parts 22 and 90.

In other words, the NPRM proposes to eliminate a major recognition in the rules of the presence of public safety, business/industrial and public land mobile services in the 470-512 MHz band segment by making a change essentially hidden in the Appendix. NPSTC opposes this change.

The NPRM further states:

The operations of land mobile services on channels 14-20 and the Offshore Radiotelephone Service on channels 15-17 in regions along the Gulf of Mexico and the reservation of channel 17 for inter-island communications in Hawaii could be affected by our proposal to recover U/V Bands spectrum if the bands to be recovered encompassed all or portions of channels 14-20. We would address appropriate changes for the Private Land Mobile Service and the Offshore Radiotelephone Service in the event that we were to decide to recover spectrum now used by those services.³

This statement was addressed in the LMCC comments and NPSTC wholeheartedly agrees with LMCC's concerns.⁴ Regardless of the Commission's intentions, even mention of potential spectrum recovery in these bands can be counter to the goal of users dedicating resources to execute the

³ NPRM at footnote 33

⁴ Comments of the Land Mobile Communications Council submitted March 18, 2011, at page 3.

narrowbanding mandates the same Commission requires.

Unfortunately, there seems to be little if any recognition in the Commission regarding the impact of uncertainty and potential disruption surrounding almost every spectrum band used by public safety and other land mobile users. While users are in the midst of narrowbanding spectrum below 512 MHz at the Commission's urging, this NPRM casually hints at significant potential changes to the 470-512 MHz band essential to public safety and business-critical operations in major cities. The 800 MHz spectrum is undergoing rebanding, a process that was supposed to be completed in three years now ongoing for six years and still counting. Late last year, the Commission released a public notice which contemplated opening the narrowband spectrum at 700 MHz to broadband operations, a move overwhelmingly rejected by the comments submitted.⁵

In addition to its significant focus on broadband, it would be helpful for the Commission to recognize public safety's need for stability in the existing bands. These bands currently support lifeline mission critical voice operations. This spectrum capacity and these operations are essential public safety communications resources, the need for which will not evaporate when public safety broadband is deployed. The continued need for these services is well recognized by the public safety community and the Department of Homeland Security.

In summary, NPSTC urges the Commission not to convert the 470-512 MHz spectrum now administered under Part 90 of the rules to "flexible" use as proposed in the NPRM in this proceeding. Doing so would be detrimental to public safety and the safety of the public.

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Public Safety and Homeland Security Bureau Seeks Comment on the Technical and Operational Feasibility of Enabling Flexible Use of the 700 MHz Public Safety Narrowband Allocation and Guardband for Broadband Services, PS Docket No. 06-229, Public Notice, DA 10-1877, released Sept. 28, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ralph A. Haller", with a long, sweeping horizontal line extending to the right.

Ralph A. Haller, Chair
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